

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

THE STATE OF DELAWARE

vs.

JEFFREY O. SIMMS

I.D. NO. 0207014771

CRIMINAL ACTION NOS. 02-08-0197

SUSSEX CO.

INDICTMENT BY THE  
GRAND JURY

FILED

AUG 11 2005

U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

The Grand Jury charges that **JEFFREY O. SIMMS** did commit the following offenses, to-wit:

**COUNT 1 - BURGLARY IN THE SECOND DEGREE**

**02-08-0197**

**JEFFREY O. SIMMS**, on or about the 22nd day of July, 2002, in the County of Sussex, State of Delaware, did knowingly enter or remain unlawfully in a dwelling belonging to Martha M. Reid with the intent to commit the crime of Offensive Touching therein, in violation of Title 11, § 825 of the Delaware Code.

**COUNT 2 - ASSAULT IN THE THIRD DEGREE**

**02-08-0198**

**JEFFREY O. SIMMS**, on or about the 22nd day of July, 2002, in the County of Sussex, State of Delaware, did recklessly or intentionally cause physical injury to Martha M. Reid, in violation of Title 11, § 611(1), of the Delaware Code.

**COUNT 3 - ENDANGERING THE WELFARE OF A CHILD**

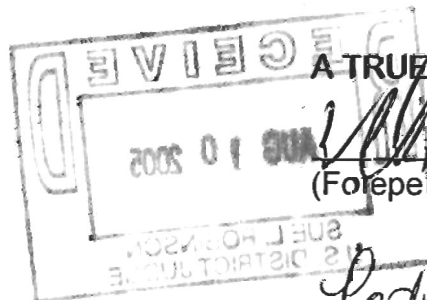
**02-08-0199**

**JEFFREY O. SIMMS**, on or about the 22nd day of July, 2002, in the County of Sussex, State of Delaware, did commit a violent felony, or Reckless Endangering in the Second Degree, Assault in the Third Degree, Terroristic Threatening, or Unlawful

Imprisonment in the Second Degree against Martha M. Reid, knowing that such felony or misdemeanor was witnessed by a child, Dion Reid, less than 18 years of age who is a member of the defendant's or victim's family, in violation of Title 11, § 1102(a)(4) of the Delaware Code.

**COUNT 4 - CRIMINAL MISCHIEF**  
**02-08-0200**

**JEFFREY O. SIMMS**, on or about the 22nd day of July, 2002, in the County of Sussex, State of Delaware, did intentionally or recklessly cause damage of less than \$1,000.00 to tangible property, a glass window, belonging to Martha M. Reid, in violation of Title 11, § 811(a)(1) of the Delaware Code.



A TRUE BILL

(Foreperson)

*Patricia Walls*  
(Secretary)

s/M. JANE BRADY  
ATTORNEY GENERAL

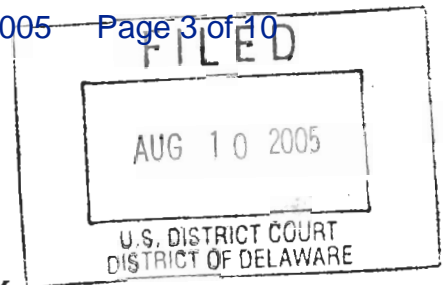
*M. Jane Brady*  
DEPUTY ATTORNEY GENERAL

DATE: August 12, 2002



OFFICE OF THE PROTHONOTARY  
STATE OF DELAWARE  
THE SUPERIOR COURT OF SUSSEX COUNTY

JOYCE M. COLLINS  
PROTHONOTARY  
MYRTLE A. THOMAS  
CHIEF DEPUTY PROTHONOTARY



JURY: (302) 856 - 5740  
CRIMINAL: (302) 856 - 5741  
CIVIL: (302) 856 - 5742  
ACCOUNTING: (302) 856 - 5744

To: *Jeffery Simms*

From: Criminal Unit

Date: *8/14/05*

Re: Unacceptable Filings / Rejection Notice

- 
- \_\_\_\_\_ 1. Enclosed please find the documents/information requested.
  - \_\_\_\_\_ 2. Transcripts of hearings should be requested from Superior Court's Court Reporters. Requests should be directed to Superior Court, Office of the Court Reporters, 1 The Circle, Suite 2, Georgetown, DE 19947.
  - \_\_\_\_\_ 3. Our records indicate that you are represented by \_\_\_\_\_, Esquire. Please send correspondence to your attorney.
  - \_\_\_\_\_ 4. This office is not able to perform a criminal record search. All requests should be forwarded to the Department of Public Safety, Division of State Police, P.O. Box 430, Dover, DE 19901.
  - \_\_\_\_\_ 5. Your document should be filed with the Prothonotary's Office of Kent County, Kent County Courthouse, 38 the Green, Dover, DE 19901.
  - \_\_\_\_\_ 6. Your document should be filed with the Prothonotary's Office of New Castle County, New Castle County Courthouse, 500 North King Street, Wilmington, DE 19801.
  - \_\_\_\_\_ 7. This document is being returned because our records do not indicate a case being filed in Superior Court.



SUPERIOR COURT CRIMINAL DOCKET  
( as of 08/04/2005 )

Page 1

State of Delaware v. JEFFREY O SIMMS  
 State's Atty: MELANIE C WITHERS , Esq.  
 Defense Atty: KARL HALLER , Esq.

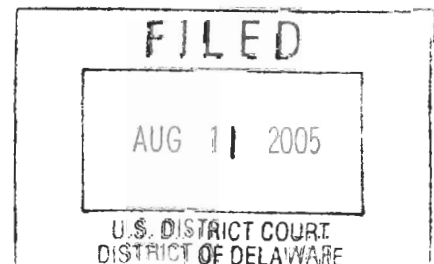
DOB: 06/28/1964  
 AKA: JEFFERY A SIMMS  
 JEFFERY A SIMMS

Assigned Judge:

## Charges:

| Count | DUC#       | Crim.Action# | Description     | Dispo. | Dispo. Date |
|-------|------------|--------------|-----------------|--------|-------------|
| 001   | 0207014771 | IS02080197R1 | BURGLARY 2ND    | TG     | 02/11/2003  |
| 002   | 0207014771 | PS02080198R1 | OFF TOUCHING    | TGLI   | 02/11/2003  |
| 003   | 0207014771 | IS02080199R1 | ENDANG WLF CHLD | TG     | 02/11/2003  |
| 004   | 0207014771 | IS02080200R1 | CRIM MISC <1000 | TG     | 02/11/2003  |

| No. | Event Date | Event  | Judge             |
|-----|------------|--|-------------------|
| 1   | 08/01/2002 | CASE ACCEPTED IN SUPERIOR COURT.<br>ARREST DATE: 07/23/2002<br>PRELIMINARY HEARING DATE:<br>BAIL: CASH BAIL  | 21,000.00         |
| 2   | 08/08/2002 | DISCOVERY REQUEST, REQUEST FOR POLICE REPORT, MOTION FOR PRE-TRIAL DOCUMENTS, MOTION FOR SPEEDY TRIAL AND ANSWER TO STATE'S RULE 16B REQUEST, FILED BY KARL HALLER, ESQ. |                   |
| 3   | 08/12/2002 | INDICTMENT, TRUE BILL FILED.   |                   |
| 4   | 09/03/2002 | ARRAIGNMENT CALENDAR - 10-C FILED BY KARL HALLER, ESQ.   |                   |
| 5   | 09/12/2002 | DISCOVERY RESPONSE AND STATE'S RECIPROCAL DISCOVERY REQUEST FILED BY MELANIE WITHERS.  |                   |
| 6   | 09/30/2002 | CASE REVIEW CALENDAR: SET FOR FINAL CASE REVIEW.<br>FCR: 11/20/02<br>TJT: 11/26/02   | BRADLEY E. SCOTT  |
| 7   | 10/10/2002 | CONTINUANCE REQUEST FILED BY KARL HALLER, ESQ. FOR CONTINUANCE OF 11/26/02 JT.   |                   |
| 8   | 11/08/2002 | SUBPOENA(13) ISSUED.   |                   |
| 9   | 11/20/2002 | FINAL CASE REVIEW: NO PLEA/SET FOR TRIAL 11/25/02  | GRAVES T. HENLEY  |
| 10  | 11/25/2002 | TRIAL CALENDAR- WENT TO TRIAL JURY - STOKES, REMENTER, WASHINGTON 11:41 JURY SWORN 11:48 STATE MOTIONS TO COURT TO ALLOW PRIOR BAD ACTS                                  | STOKES RICHARD F. |



SUPERIOR COURT CRIMINAL DOCKET  
( as of 08/04/2005 )

Page 2

State of Delaware v. JEFFREY O SIMMS  
State's Atty: MELANIE C WITHERS , Esq.  
Defense Atty: KARL HALLER , Esq.

DOB: 06/28/1964  
AKA: JEFFERY A SIMMS  
JEFFERY A SIMMS

| No. | Event Date | Event  | Judge             |
|-----|------------|--|-------------------|
|     |            | OF THE DEFENDANT. 12:05 DEFENSE OPPOSES THIS MOTION. 1:45 JUDGE WILL ALLOW PRIOR BAD ACTS WITH INSTRUCTION TO JURY.<br>11-27-02 STOKES, KIMMEL, CRONIC<br>COURT BEGINS 9:35 12:50 COURT IN RECESS UNTIL 12-2-02. |                   |
| 13  | 11/25/2002 | JURY SELECTED.   |                   |
| 11  | 12/02/2002 | JURY TRIAL: MISTRIAL<br>BOND REMAINS THE SAME.   | STOKES RICHARD F. |
| 12  | 12/02/2002 | COMMITMENT TO DEPARTMENT OF CORRECTION.<br>DEFENDANT'S TRIAL WAS DECLARED A MISTRIAL.<br>BOND IS TO REMAIN THE SAME.   | STOKES RICHARD F. |
| 14  | 12/10/2002 | LETTER FROM MELANIE C. WITHERS TO RICHARD F. STOKES<br>RE: ADVISING THAT THE STATE DOES INTEND TO RETRY MR. SIMMS AND REQUESTS A NEW TRIAL DATE.   |                   |
| 15  | 01/21/2003 | SUBPOENA(S) ISSUED.  |                   |
| 16  | 02/05/2003 | FINAL CASE REVIEW: NO PLEA/SET FOR TRIAL<br>JT: 2/10/03  | STOKES RICHARD F. |
| 17  | 02/10/2003 | MOTION TO RELEASE EVIDENCE FILED BY MELANIE WITHERS, ESQ.  |                   |
| 18  | 02/10/2003 | ORDER SIGNED BY JUDGE STOKES, IT IS HEREBY ORDERED ALL OF THE STATE EXHIBITS FROM THE FIRST SIMMS JURY TRIAL BE RELEASED TO THE STATE.   | STOKES RICHARD F. |
| 19  | 02/10/2003 | JURY SELECTED.   |                   |
| 21  | 02/10/2003 | VOIR DIRE QUESTIONS FILED.   | STOKES RICHARD F. |
| 20  | 02/10/2003 | TRIAL CALENDAR- WENT TO TRIAL JURY<br>STOKES/WASHINGTON/CRONIC<br>COURT CONVENCED AT 11:29<br>COUNSEL STIPULATE TO THE DEFENDANT'S EXHIBITS<br>COURT RECESSED AT 4:16  | STOKES RICHARD F. |
| 22  | 02/11/2003 | CHARGE TO THE JURY FILED.  | STOKES RICHARD F. |
| 23  | 02/11/2003 | JURY TRIAL - DEFENDANT FOUND GUILTY/PSI ORDERED.<br>9:42 COURT BEGINS  | STOKES RICHARD F. |



SUPERIOR COURT CRIMINAL DOCKET  
( as of 08/04/2005 )

Page 3

State of Delaware v. JEFFREY O SIMMS  
 State's Atty: MELANIE C WITHERS , Esq.  
 Defense Atty: KARL HALLER , Esq.

DOB: 06/28/1964  
 AKA: JEFFERY A SIMMS  
 JEFFERY A SIMMS

| No. | Event<br>Date | Event   | Judge             |
|-----|---------------|---|-------------------|
|     | 12:13         | BAILIFF'S SWORNED   |                   |
|     | 12:14         | JURY DELIBERATES  |                   |
|     | 2:57          | VERDICT TAKEN   |                   |
|     |               | COUNT #1 - GUILTY   |                   |
|     |               | COUNT #2 - GUILTY LIO OFF. TOUCHING   |                   |
|     |               | COUNT #3 - GUILTY   |                   |
|     |               | COUNT #4 - GUILTY   |                   |
|     |               | PSI IS ORDERED SENTENCING DATE IS 3/28/03.  |                   |
|     |               | BAIL IS INCREASED TO \$50,000.00 CASH.  |                   |
| 24  | 02/11/2003    | COMMITMENT TO DEPARTMENT OF CORRECTION.<br>DEFENDANT FOUND GUILTY AT TRIAL. BAIL IS INCREASED TO \$50,000 CASH.<br>FOR SENTENCING ON 3/28/03 AT 11:00 A.M.  | STOKES RICHARD F. |
| 25  | 03/13/2003    | LETTER FROM MELANIE C. WITHERS TO KARL HALLER, ESQUIRE<br>RE: ENCLOSED IS A DRAFT OF THE HABIUTAL OFFENDER MOTION WHICH THE<br>STATE INTENDS ON FILING AT SENTENCING.                                       |                   |
| 26  | 03/28/2003    | SENTENCING CALENDAR - CONTINUED<br>DEFENSE COUNSEL IS TO RESPOND TO STATE'S MOTION FOR HABITUAL OFFENDER<br>BY 4-2-03, STATE'S RECIPROCAL RESPONSE DUE 4-3-03<br>SENTENCING RESCHEDULED FOR 4-4-03 AT 11:00 | STOKES RICHARD F. |
| 27  | 04/02/2003    | LETTER FROM KARL HALLER, ESQUIRE TO THE HONORABLE RICHARD F. STOKES<br>RE: THE DEFENSE POSITION ON THE HABITUAL OFFENDER MOTION   |                   |
| 28  | 04/04/2003    | SENTENCING CALENDAR: DEFENDANT SENTENCED.<br>CR - PURNELL<br>HALLER, ESQ.   | STOKES RICHARD F. |
| 29  | 04/04/2003    | STATE'S RESPONSE FILED.   |                   |
| 30  | 04/17/2003    | REQUEST FOR TRANSCRIPT FILED BY SUPREME COURT TO BE FILED NO LATER<br>THAN 5/26/03  |                   |
| 31  | 04/17/2003    | COPY OF NOTICE OF APPEAL FILED BY KARL HALLER TO SUPREME COURT  |                   |
| 32  | 05/21/2003    | TRANSCRIPT OF PROCEEDINGS HELD IN SUPERIOR COURT ON 3/28/03 HEARD BY<br>JUDGE STOKES FILED BY KATHY PURNELL   |                   |
| 33  | 05/21/2003    | TRANSCRIPT OF PROCEEDINGS HELD IN SUPERIOR COURT ON 4/4/03 HEARD BY<br>JUDGE STOKES FILED BY KATHY PURNELL  |                   |

SUPERIOR COURT CRIMINAL DOCKET  
( as of 08/04/2005 )

Page 4

State of Delaware v. JEFFREY O SIMMS  
 State's Atty: MELANIE C WITHERS , Esq.  
 Defense Atty: KARL HALLER , Esq.

DOB: 06/28/1964  
 AKA: JEFFERY A SIMMS  
 JEFFERY A SIMMS

| No. | Event<br>Date | Event   | Judge             |
|-----|---------------|---|-------------------|
| 34  | 05/21/2003    | NOTICE OF RECORD DUE IN SUPREME COURT WITHIN 10 DAYS OF RECEIPT OF TRANSCRIPT   |                   |
| 35  | 05/23/2003    | RECORDS SENT TO SUPREME COURT VIA STATE MAIL ON 5/27/03   |                   |
| 36  | 05/27/2003    | LETTER FROM SUPREME COURT TO COURT RE: RECORD IS DUE IN SUPREME COURT NO LATER THAN JUNE 2, 2003.   |                   |
| 37  | 05/30/2003    | RECEIPT OF RECORDS ACKNOWLEDGED BY SUPREME COURT ON 5-28-03.  |                   |
| 38  | 10/28/2003    | RECORDS RETURNED FROM SUPREME COURT.  |                   |
| 39  | 10/28/2003    | MANDATE FILED: JUDGMENT OF SUPERIOR COURT AFFIRMED.   |                   |
| 40  | 10/28/2003    | ORDER:<br>IT IS ORDERED THAT THE JUDGEMENT OF THE SUPERIOR COURT IS AFFIRMED.   |                   |
| 41  | 04/28/2004    | DEFENDANT'S LETTER FILED.<br>TO COURT RE: COMMENCEMENT OF APPEAL  |                   |
| 42  | 04/30/2004    | LETTER FROM RICHARD F. STOKES TO JEFFREY A. SIMMS<br>RE: ADVISING NO ACTION WILL BE TAKEN SINCE THE TIME HAS PASSED FOR HIM TO REARGUE THE APPEAL WITH THE SUPREME COURT.       | STOKES RICHARD F. |
| 43  | 07/01/2004    | PETITION FOR RELEASE FACT FINDING FILED BY DEFENDANT<br>MOTION FOR POSTCONVICTION RELIEF FILED BY DEFENDANT / PER NOTE ON PAPERS - SEND DEFENDANT A POSTCONVICTION RELIEF FORM. |                   |
| 44  | 09/13/2004    | PETITION FOR RELEASE-FACT FINDING, FILED BY DEFENDANT.  |                   |
| 45  | 09/15/2004    | LETTER FROM COURT TO DEFENDANT RE: ADVISING IT APPEARS YOU WANT TO FILE A CIVIL COMPLAINT, IF THAT IS THE CASE YOU MUST DO SO IN PROPER FORM.                                   | STOKES RICHARD F. |
| 46  | 09/27/2004    | PETITION FOR RELEASE FROM CONFINEMENT FILED BY DEFENDANT.   |                   |
| 47  | 09/29/2004    | LETTER FROM COURT TO DEFENDANT RE: ADVISING YOUR REQUEST IS DENIED.   | STOKES RICHARD F. |
| 48  | 02/08/2005    | MOTION TO APPEAR FOR CORRECTION FOR ASSESSMENT AND UNLAWFUL IMPRISONMENT FILED BY DEFENDANT.  |                   |
| 50  | 02/10/2005    |   |                   |

SUPERIOR COURT CRIMINAL DOCKET  
( as of 08/04/2005 )

Page 5

State of Delaware v. JEFFREY O SIMMS  
 State's Atty: MELANIE C WITHERS , Esq.  
 Defense Atty: KARL HALLER , Esq.

DOB: 06/28/1964  
 AKA: JEFFERY A SIMMS  
 JEFFERY A SIMMS

| No. | Event<br>Date | Event  | Judge             |
|-----|---------------|--|-------------------|
|     |               | MOTION FOR SPECIAL APPEARANCE FILED BY DEFENDANT.  |                   |
| 49  | 02/14/2005    | LETTER FROM RICHARD F. STOKES TO JEFFREY O. SIMMS<br>RE: MOTION IS DENIED  | STOKES RICHARD F. |
| 51  | 02/25/2005    | LETTER FROM RICHARD F. STOKES TO JEFFREY O. SIMMS<br>RE: THE COURT IS UNABLE TO DETERMINE WHAT ACTION OR RESPONSE YOU ARE<br>SEEKING TO YOUR MOTION FOR SPECIAL APPEARANCE. YOUR MOTION HAS BEEN<br>DOCKETED AND FILED. NO FURTHER ACTION WILL BE TAKEN. | STOKES RICHARD F. |
| 52  | 04/21/2005    | AMENDMENT PETITION - FOR POSTCONVICTION RELIEF MOTION # 1 FILED BY<br>DEFENDANT.   |                   |
| 53  | 05/03/2005    | LETTER FROM COURT TO DEFENDANT RE: ADVISING BECAUSE THERE IS NO PEND-<br>ING MOTION FOR POSTCONVICTION RELIEF OR ANY ALLEGATIONS OF INEFFECTIVE<br>ASSISTANCE OF COUNSEL, I WILL NOT TAKE ACTION ON THEM.  | STOKES RICHARD F. |
| 54  | 05/09/2005    | AMENDMENT PETITION - FOR POST CONVICTION RELIEF BY DEFENDANT   |                   |
| 55  | 05/18/2005    | LETTER FROM JUDGE STOKES TO DEF.<br>RE: ADVISING DEF. MUST SUBMIT A MOTION FOR POSTCONVICTION OF RELIEF<br>ON PROPER FORM AND COURT WILL TAKE NO ACTION ON DOCUMENTS DEF.<br>SUBMITTED.  |                   |
| 56  | 06/09/2005    | DEFENDANT'S LETTER FILED REGARDING AN AMENDED PETITION FOR RELIEF OF<br>ILLEGAL SENTENCE.  | STOKES RICHARD F. |
| 57  | 06/10/2005    | LETTER FROM COURT TO DEFENDANT RE: DUE TO YOUR UNINTELLIGLE FILINGS,<br>THE COURT WILL NOT TAKE ANY ACTION ON FILINGS OF THIS NATURE.  | STOKES RICHARD F. |
| 58  | 06/14/2005    | PETITION FOR RELIEF AND SPECIAL APPEARANCE FILED.  | STOKES RICHARD F. |
| 59  | 06/27/2005    | PETITION FOR SPECIAL APPEARANCE AND EXONERATE OF SENTENCE FOR THE<br>ABOVE CAPTION CASE NO. 0207014771 DATED JUNE 22, 2005 FURTHERMORE<br>MEDICAL CONDITION AND PHYSICAL DISABILITY THAT MAY BE OF SUBSTANCE<br>FILED BY DEFENDANT.                      | STOKES RICHARD F. |
| 60  | 06/27/2005    | MEMORANDUM FILED.<br>RE: PETITION FOR RELIEF.<br>NO RESPONSE NECCESSARY.   | STOKES RICHARD F. |
| 61  | 06/29/2005    | MEMORANDUM FILED.  | STOKES RICHARD F. |



SUPERIOR COURT CRIMINAL DOCKET  
( as of 08/04/2005 )

Page 6

State of Delaware v. JEFFREY O SIMMS  
State's Atty: MELANIE C WITHERS , Esq.  
Defense Atty: KARL HALLER , Esq.

DOB: 06/28/1964  
AKA: JEFFERY A SIMMS  
JEFFERY A SIMMS

| No.   | Event<br>Date | Event  | Judge             |
|-------|---------------|--|-------------------|
| ----- |               |  |                   |
|       |               | RE: PETITION FOR SPECIAL APPEARANCE.<br>NO RESPONSE NECESSARY.   |                   |
| 62    | 07/14/2005    | MOTION FOR EXONERATE OF SENTENCE, FILED BY DEFENDANT.  |                   |
| 63    | 07/14/2005    | MOTION FOR EXONERATE OF SENTENCE FILED BY DEFENDANT.   | STOKES RICHARD F. |
| 64    | 07/18/2005    | MOTION FOR EMERGENCY HEARING OR TRIAL AT THE EARLIEST POSSIBLE<br>CONVENIENCE DATE (ACTION MOTION TO PROCEED) FILED BY DEFENDANT.                            | STOKES RICHARD F. |
| 65    | 07/21/2005    | MOTION FOR EMERGENCY RELIEF WHILE IN A STATE INSTITUTION OF CORRECTION<br>IN THE STATE OF DELAWARE WITH A STATEMENT OF CLAIMS AND CERTIFICATE OF<br>SERVICE. | STOKES RICHARD F. |
| 66    | 07/22/2005    | MEMORANDUM FILED.<br>ADVISING IT IS UNCLEAR WHAT THE DEFENDANT IS SEEKING. NO RESPONSE IS<br>NECESSARY.  | STOKES RICHARD F. |
| 67    | 07/22/2005    | MEMORANDUM FILED.<br>RE: WHILE THE DEFENDANT'S MOTION IS LEGIBLE, IT IS UNCLEAR WHAT THE<br>DEFENDANT IS SEEKING. NO RESPONSE IS NECESSARY.                  | STOKES RICHARD F. |
| 68    | 07/25/2005    | MOTION FOR SPECIAL PRO SE APPEARANCE FILED BY DEFENDANT.   | STOKES RICHARD F. |
| 69    | 07/27/2005    | MOTION FOR EXONERATE OF SENTENCE MEDICAL DISABILITY PURSUANT TO 35(A).   | STOKES RICHARD F. |

\*\*\* END OF DOCKET LISTING AS OF 08/04/2005 \*\*\*  
PRINTED BY: CSCEWIL

I/M JEFFREY A SIMMS  
SBI# 192625 UNIT D-B-3-East  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977



Honorable Judge & your r. p. v. m. v.  
United States District Court for Box 12  
844 N. King Street  
Judge Thomas L. Ambrose Federal Building U.S.M.S.  
Wilmington, Delaware X-RAY  
19201-3570